



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 2/16/2021  
 ORM Number: MVR-2021-0147  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Illinois City: Dekalb County/Parish/Borough: Dekalb  
 Center Coordinates of Review Area: Latitude 41.8113° Longitude -88.8864°

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream S001	3,059 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream S001 is an NWI-mapped (riverine) surface water channel that traverses an agricultural field within the Project Study Area. At the eastern project boundary, the channel enters tile drainage inlet (artificial structure), which conveys surface flows under the adjacent 160-acre ag field before its outlet into a channelized section of an unnamed tributary to the South Branch Kishwaukee River.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland W001	0.001	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland W001 lies at the beginning of a channelized section of an unnamed tributary that flows to the east outside of the Project Study Area to the South Branch Kishwaukee River. The small portion of the wetland (0.001-acre) within the Project Study Area is dominated by emergent vegetation and did not exhibit a defined bed and bank or other characteristics of a non-wetland waterbody. Multiple field tile drainage culverts outlet at the head of the channel, providing the primary source of hydrology to the wetland.
Wetland W002	0.665	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland W002 is a linear wetland abutting a channelized stream (S001) that flows southeast through the Project Study Area. The wetland is present between the OHWM and the bank full elevation on both banks of S001 along its entire length within the Project Study Area and is dominated by emergent and scrub-shrub vegetation.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: **DK Solar Project – Preliminary Jurisdictional Determination Report dated January 2021**

This information is sufficient for purposes of this AJD.

Rationale: **Complete field evaluation with photographs and wetland data forms.**

- Data sheets prepared by the Corps: **N/A**
- Photographs: **Aerial and Other: Historic Aerials, USDA NAIP Imagery, Google Earth, Site Photos**
- Corps site visit(s) conducted on: **N/A**
- Previous Jurisdictional Determinations (AJDs or PJDs): **N/A**

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: [DeKalb County, Illinois](#)
- USFWS NWI maps: [1980's; 1:58,000 scale; Color Infrared Source](#)
- USGS topographic maps: [Lee/Waterman, IL Quads; 1:24,000](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">USGS topoView; Various years at 1:24,000 Scale</a>
<a href="#">USDA Sources</a>	<a href="#">USDA NRCS Web Soil Survey – DeKalb County, Illinois</a>
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	<a href="#">District Regulatory Viewer</a>
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	<a href="#">USGS NHD Data, ILHMP: LiDAR Data</a>

**Typical year assessment(s):** [The Antecedent Precipitation Tool \(APT\) was used to assess conditions for the documented site visits compared to 30 years of data in NOAA's Daily Global Historical Climatology Network. Drier than Normal Conditions were present during the delineation field efforts on Sept 1, 2020 \(wet season\).](#)

**B. Additional comments to support AJD:** [None](#)